

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7233**

**BILL NUMBER: SB 516**

**DATE PREPARED:** Jan 17, 2001

**BILL AMENDED:**

**SUBJECT:** Consecutive Sentences for Attempted Murder.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill adds "attempted murder" to the list of "crimes of violence" that are considered by a judge when determining whether to order that the sentence for the offense be served concurrently or consecutively with the sentence for another offense.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** Under current law, attempted murder is not considered a crime of violence when considering sentencing options for offenders who have committed a series of offenses that are closely related in time, place, and circumstance. For crimes that are not crimes of violence, the maximum sentence that a criminal defendant could receive would be the presumptive sentence for a felony which is one class higher than the most serious of the felonies for which the person has been convicted. The table below shows the minimum, presumptive and maximum sentences for murder and Class A felonies.

<b>Felony Class</b>	<b>Minimum</b>	<b>Presumptive</b>	<b>Maximum</b>
Murder	45 years	55 years	65 years
A	20 years	30 years	50 years

As an illustration of current law, if a person is convicted and sentenced for two occurrences of attempted murder in a single episode, the longest sentence that could be ordered would be 55 years under current law. This is because under current statute, attempted murder is a Class A felony but not a crime of violence. Consequently, the next higher felony is murder for which the presumptive sentence is 55 years.

This bill could increase the amount of time that a defendant could receive for a sentence that involves more than one occurrence of attempted murder in a single episode of criminal conduct. With this bill, the court

may order terms of imprisonment to be served consecutively if the offense is a crime of violence. Because attempted murder is a Class A felony and because the presumptive sentence is 30 years and the maximum sentence is 50 years, the maximum sentence for two occurrences of attempted murder in a single episode could be between 60 and 100 years if a court orders the defendant to serve these sentences consecutively.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:**

**Information Sources:** IC 35-41-5-1.